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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,333	05/13/1999	ROGER SCOTT ZIMMERMAN	5494:57	1111

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EXAMINER

KNEPPER, DAVID D

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 12/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/311,333	ZIMMERMAN ET AL.	
	Examiner	Art Unit	
	David D. Knepper	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 14 Nov 2000 (IDS).

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 13 May 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

6) Other: \_\_\_\_\_

1. Applicant's correspondence filed on 14 November 2000 (IDS, paper #4)) has been received and considered. Claims 1-15 are pending.

**Abstract**

2. The Abstract of the Disclosure is objected to because the first sentence is redundant over the rest of the abstract and should be deleted. Correction is required. See M.P.E.P. § 608.01(b).

**Drawings**

3. The drawings are objected to because figures 3A, 3B, 4A and 4B are tables of data and descriptive matter which should be part of the specification. Correction is required.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "adaptation algorithm", "digitally-encoded speech waveform data", "acoustical model", "Hidden Markov Model", "Word Bigram Statistics", "pronunciation model", and "phonetic transcription lexicon" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

**Claims**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-15 are rejected under 35 U.S.C. § 103 as being unpatentable over Sabourin (6,208,964).

As per claim 1, “improving the recognition accuracy of a speech recognizer” is taught or suggested by Sabourin:

“deploying the speech recognizer” (his speech recognition of figure 2);  
“collecting live input data” (his speech source 100);  
“without supervision, applying a given adaptation algorithm” (his adaptation module 112); and

“redeploying the adapted speech recognizer” (suggested in that he teaches that adapting the recognition system is for the purpose of improving it for later use – read abstract).

It is noted that Sabourin does not explicitly teach the “redeploying”. However, he teaches that the improvement made through updating the system can be used later. Thus, it would have been obvious for a person having ordinary skill in the speech recognition, at the time the invention was made, that the updating process of Sabourin could be used to improve any speech recognition for later use because this is Sabourin’s purpose for improving recognition.

Claim 2: The prior art uses a computer 500, fig. 5.

Claim 3: Data may be contained in storage 500 which is not directly recognizable by a human, fig. 5.

Claim 4: Speech is not instantaneous and, therefore, must inherently be collected over time.

Claim 5, 9: The use of acoustically significant phonemes is taught in column 5.

Claim 6: The use of Hidden Markov Models is taught column 4.

Claim 7: The use of a language model is taught by his use of a lexicon 302.

Claim 8: Official Notice is taken that the use of bigram statistics is well known for use in context dependent HMM such as taught by Sabourin.

Claim 10: Transcription is taught by Sabourin (see title).

Claims 11-14 are rejected under similar arguments as applied above.

### Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wilcox (5,199,077) is cited to show that it is notoriously well known to use bigram statistics in HMM representations of speech.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

TC2600 Fax Center  
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644.

The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.



David D. Knepper  
Primary Examiner  
**Art Unit 2645**  
December 16, 2001